

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

2159.0620008/EKS/J-H

First named inventor: Kandasamy HARIHARAN

Application No.: See 1 in Addendum

Art Unit: To Be Assigned

Filed: June 10, 2003 (I.A. Filing Date)

Examiner: To Be Assigned

Title: Genes Overexpressed By Ovarian Cancer and Their Use In Developing Novel Therapeutics

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of See 2 in Addendum (identify type of reply):

☐ has been filed previously on 08/23/2006 GFREY1 00000148 10530951
☒ is enclosed herewith. 02 FC:1453 1500.00 OP

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Julie Heider
Signature

August 18, 2005

Date

Julie A. Heider

Typed or printed name

54,161

Registration Number, if applicable

Sterne, Kessler, Goldstein & Fox P.L.L.C.

Address

1100 New York Avenue, N.W.

Washington, DC 20005-3934

Address

(202) 371-2600

Telephone Number

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Transmittal Letter to Designated/Elected Office (DO/EO/US)**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

Addendum

1. 10/530,951 (U.S. National Phase of PCT Appl. No. PCT/US03/18253)
2. Submission of Oath or Declaration and \$130.00 Surcharge for Late Filing of Declaration and Paper copy of Sequence Listing and one (1) Computer-Readable copy of the Sequence Listing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARIHARAN *et al.*

Application No. 10/530,951 (*U.S. National Phase of
PCT Appl. No. PCT/US03/18253*)

I.A. Filing Date: June 10, 2003

For: **Genes Overexpressed by Ovarian Cancer and
Their Use in Developing Novel Therapeutics**

Confirmation No. 3427

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 2159.0620008/EKS/J-H

Statement Under 37 C.F.R. 1.137(b)

Mail Stop Petitions

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are filing herewith a petition to revive the captioned U.S. National Stage application based on international application PCT/US03/18253, filed June 10, 2003. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. § 1.137 (b) was unintentional.

The captioned application was transferred from previous counsel to current representatives on July 11, 2005. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("the Notice"), mailed June 27, 2005, was not included in the file we received and we were not aware that the Notice had been mailed. On March 15, 2006, the undersigned representative contacted the PCT Help Desk at the USPTO to determine the status of the application. The undersigned was told that the application was abandoned for failing to respond to the Notice mailed June 27, 2005.

Several attempts were made to receive a copy of the Notice from Applicants and/or previous counsel. Requests for a copy of the Notice were sent or communicated verbally to

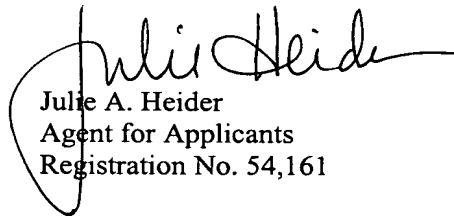
could not obtain a copy of the Notice from previous counsel. The undersigned also contacted the PCT Help Desk, and Ms. Charitta Burt, at the USPTO to request a copy of the Notice on June 27, 2006 and July 25, 2006. A written request for a copy of the Notice was sent via facsimile to Ms. Burt on July 25, 2006. The undersigned telephoned Ms. Burt again on August 2, 2006 and August 11, 2006 to request that a copy of the Notice be sent. The undersigned received a copy of the Notice on August 11, 2006 via facsimile.

The captioned application is not currently available on PAIR by Applicants' undersigned representative even though a Revocation with New Power of Attorney was filed May 26, 2006. Thus, a copy of the Notice could not be retrieved via the Image File Wrapper system.

Applicants also submit the appropriate petition fee as required in § 1.17(m) and the appropriate submissions required by the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Julie A. Heider
Agent for Applicants
Registration No. 54,161

Date: August 18, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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